

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1-6. Claims 7-26 remain cancelled. No new matter is presented. Thus, claims 1-6 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 101:**

Claims 1-4 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In the outstanding Office Action, the Examiner indicated, "claims 1-4 claim cryptographical methods and equipments for encrypting and decrypting physical characteristic information... However, the claimed limitations do not recite the method and the equipment are being implemented on computerized systems."

The claimed invention in claims 1-4 is directed to cryptographic and decryption methods and equipments for authenticating identity based on physical characteristic information.

In the recent case of Ex parte Lundgren, the issues for consideration by the Board of Patent Appeals and Interferences (BPAI) were: (1) whether the invention as a whole is in the technological arts; and (2) assuming that the invention is in the technological arts, whether the claim transferring compensation to a manager is a practical application (see, Ex parte Lundgren, Appeal No. 2003-2088 at page 3). In addressing these issues in Ex parte Lundgren, the BPAI specifically overruled the Examiner's requirement that the claim recite use of a computer (see, pages 4 and 5 of Ex parte Lundgren).

Ex parte Lundgren citing Musgrave, indicated that courts have disagreed with the Board's rejection of claims under 35 U.S.C. § 101 that holds "claims... are directed to non-statutory processes merely because some or all of the steps therein can be carried out in or with the aid of the human mind or because it may be necessary for one performing the processes to think" (see, In re Musgrave, 431 F.2d 882, 167 U.S.P.Q. 280 (CCPA 1970) and Ex parte Lundgren, Appeal No. 2003-2088 at page 6). The Examiner's requirement that the claims recite operations implemented by computerized systems is respectfully traversed.

In view of the recent decision by the BPAI, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4 under 35 U.S.C. § 101.

**REJECTION UNDER 35 U.S.C. § 102(a):**

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/48538 (Soutar).

In the Office Action mailed January 5, 2005, the Examiner allowed claims 1-6, in response to which, Applicants cancelled all rejected claims 7-15. At item 3 of the outstanding Office Action, the Examiner indicated that the allowability of claims 1-6 was withdrawn based on the newly submitted Information Disclosure Statement (IDS) filed on July 5, 2005. However, Soutar was previously submitted in the IDS filed on August 27, 2004, which the Examiner considered as indicated by initials of the Examiner placed adjacent to the citation on the PTO-1449 prior to issuing the Office Action mailed January 5, 2005 allowing claims 1-6.

Moreover, Soutar discusses linking a digital key to biometric data using a secure block of data such that the correct digital key can only be generated based on interaction with the secure block of data. Soutar generates the same M-bit digital key each time the system is used by an authorized holder of the protected filter, and links a two-dimensional array that is produced from biometric images in conjunction with a protected filter with the M-bit digital key (see, page 3, lines 8-21 and page 4, lines 3<sup>rd</sup> full paragraph).

Independent claim 1 recites, by way of example, "generating a cryptographic key from said numeric key and a predetermined primary key", where the numeric key is "randomly" determined, and "generating an auxiliary code for decrypting said cryptographic key, from said encrypted physical characteristic information and said numeric key." Independent claim 5 also recites similar features.

Independent claim 3 similarly recites, "a numeric key generating unit randomly determining numeric key", "a key generating unit generating a cryptographic key from said numeric key and a predetermined primary key", where physical characteristic information is encrypted using said cryptographic key and "an auxiliary code" is generated from the encrypted physical characteristic information and the numeric key.

Independent claims 2, 4 and 6 recite, "receiving encrypted physical characteristic information and an auxiliary code" and "restoring a numeric key from said received encrypted physical characteristic information and said auxiliary code", where the encrypted physical characteristic information is decrypted "using said cryptographic key" ("a cryptogram including an encrypted physical characteristic information" in claim 6).

It is respectfully submitted that Soutar does not teach or suggest the above-identified features of each of the independent claims 1-6.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

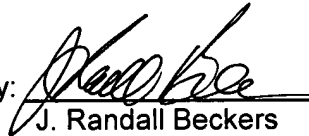
Respectfully submitted,

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Date: \_\_\_\_\_

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